

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHNNY B. HOLMES,

Plaintiff,

v.

**AMERICAN INTERNATIONAL GROUP, INC.;
et al.,**

Defendants.

**CIVIL ACTION NO.
3:06-cv-00033-MEF**

JOINT MOTION TO TEMPORARILY STAY THE PROCEEDINGS

COMES NOW Plaintiff Johnny B. Holmes and Defendants American General Financial Services of Alabama, Inc., in and of itself and as successor to American General Finance, Inc., an Alabama corporation, American General Finance Corporation, Merit Life Insurance Company, Yosemite Insurance Company, and Brian Scalf, by and through their undersigned counsel, appearing specially so as to preserve any and all defenses available under Rule 12 of the Federal Rules of Civil Procedure, and specifically preserving the right to seek arbitration pursuant to 9 U.S.C. § 1 *et seq.*, and hereby jointly move this Court to enter an order temporarily staying the proceedings herein. In support thereof, the Parties state as follows:

1. On or about March 17, 2006, the Parties filed a joint motion to stay the present action until May 2, 2006 while they negotiated a final resolution of this and other related matters. Mistakenly believing that this matter had settled, the Court did not grant the Parties motion to stay, but, instead, entered an order requiring the Parties to file a joint stipulation of dismissal by April 5, 2006.

2. In actuality, however, this matter has never formally settled, and the Parties are continuing to work toward a final resolution. As such, the Parties respectfully request that the Court grant the Parties' previously filed joint motion to stay.

WHEREFORE, the Parties respectfully move this Court to enter an order temporarily staying this Action and all proceedings and deadlines herein until the earlier of (1) May 2, 2006; or (2) Counsel for any Party hereto files and serves an instrument entitled "Notice of Withdrawal of Consent to Agreed Temporary Stay Order," service of which shall have the immediate effect of dissolving any temporary stay entered by this Court.

Respectfully submitted,

/s/ C. Lance Gould
C. Lance Gould (GOU007)

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ATTORNEYS FOR DEFENDANTS AMERICAN GENERAL FINANCIAL SERVICES OF ALABAMA, INC., in and of itself and as successor to AMERICAN GENERAL FINANCE, INC., an Alabama corporation, AMERICAN GENERAL FINANCE CORPORATION, MERIT LIFE INSURANCE CO., YOSEMITE INSURANCE COMPANY, and BRIAN SCALF